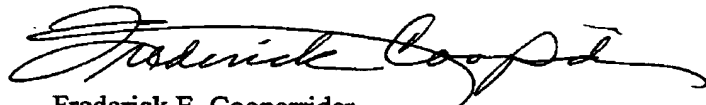


RECEIVED
CENTRAL FAX CENTER

JUL 14 2005

**FACSIMILE COVER PAGE
(THIS COVER PAGE + 18 PAGES)****Today's Date: July 14, 2005****To: Examiner E. Kiss, Art Unit: 2192****FAX: (703) 872-9306****From: Frederick E. Cooperrider #36,769
McGinn&Gibb, PLLC
Ph: (703) 761-2377****In re Application of Shibuya****Serial No.: 09/639,879****For: SYSTEM FOR CHANGING PROGRAM STORED IN A TERMINAL DEVICE AND A
TERMINAL DEVICE USED IN THE SYSTEM****Contents:**
1. Notice of Non-Compliant Amendment (2 page); and
2. Corrected Version of Amendment Under 37 CFR §1.116 (16 pages), as revised
to correct the strikeout of "said" in claim 2**CERTIFICATION OF TRANSMISSION**

I certify that I transmitted via facsimile to (703) 872-9306 this Notice of Non-Compliant Amendment Form, along with the Amendment Under 37 CFR §1.116, originally filed on January 25, 2005, as corrected to indicate a strikeout of the word "said" in claim 2, to Examiner E. Kiss on July 14, 2005.



Frederick E. Cooperrider
Reg. No. 36,769

BEST AVAILABLE COPY

07/14/2005 09:37 FAX 7037612375

McGinn&Gibb, PLLC

002



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/639,879	08/17/2000	Toshiyuki Shibuya	A243-1	5305
21254	7590	06/23/2005	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			ART UNIT	PAPER NUMBER

RECEIVED

DATE MAILED: 06/23/2005

JUN 24 2005
AM 11 026
MCGINN & GIBB, P.C.

7/23/05

Please find below and/or attached an Office communication concerning this application or proceeding.

JUL 14 2005

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09/639,879

Examiner

Eric B. Kiss

Applicant(s)

SHIBUYA, TOSHIYUKI

Art Unit

2192

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

The amendment document filed on 25 January 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.
☐ B. New paragraph(s) should not be underlined.
☐ C. Other _____

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
☐ B. Other _____

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
☐ C. Other _____

☒ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
☒ E. Other: Applicant's amendment to claim 2, removing one occurrence of the word "said" from line 1

(apparently in response to the objection to claim 2 in the Final Rejection) is not in compliance with 37 CFR 1.121(c)(2), as the deletion has not been indicated by either strikethrough or double brackets.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officelflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

TUAN DAM

SUPERVISORY PATENT EXAMINER

U.S. Patent and Trademark Office

Part of Paper No. 20050608

RECEIVED
CENTRAL FAX CENTER

JUL 14 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Toshiyuki SHIBUYA

Serial No.: 09/639,879

Group Art Unit: 2122

Filed: August 17, 2000

Examiner: Eric B Kiss

For: SYSTEM FOR CHANGING A PROGRAM STORED IN A TERMINAL DEVICE
AND A TERMINAL DEVICE USED IN THE SYSTEM

Honorable Commissioner of Patents
Alexandria, Virginia 22313-1450

AMENDMENT UNDER 37 C.F.R. §1.116

Sir:

In response to the Office Action dated October 19, 2004, please amend the above-identified application as follows:

Claims 1-5 and 7-34 are currently pending in the application.